
HOUSE BILL 2217

State of Washington

57th Legislature

2001 Regular Session

By Representatives Sump and Haigh

Read first time . Referred to Committee on .

1 AN ACT Relating to requiring a life term for the crime of rape in
2 the first degree; amending RCW 9.94A.590; reenacting and amending RCW
3 9.94A.320; prescribing penalties; providing an effective date; and
4 declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 9.94A.590 and 2000 c 28 s 7 are each amended to read
7 as follows:

8 (1) The following minimum terms of total confinement are mandatory
9 and shall not be varied or modified under RCW 9.94A.390:

10 (a) An offender convicted of the crime of murder in the first
11 degree shall be sentenced to a term of total confinement not less than
12 twenty years.

13 (b) An offender convicted of the crime of assault in the first
14 degree or assault of a child in the first degree where the offender
15 used force or means likely to result in death or intended to kill the
16 victim shall be sentenced to a term of total confinement not less than
17 five years.

1 (c) An offender convicted of the crime of rape in the first degree
2 shall be sentenced to a term of total confinement (~~not less than five~~
3 ~~years~~) for life without the possibility of release.

4 (2) During such minimum terms of total confinement, no offender
5 subject to the provisions of this section is eligible for community
6 custody, earned release time, furlough, home detention, partial
7 confinement, work crew, work release, or any other form of early
8 release authorized under RCW 9.94A.150, or any other form of authorized
9 leave of absence from the correctional facility while not in the direct
10 custody of a corrections officer. The provisions of this subsection
11 shall not apply: (a) In the case of an offender in need of emergency
12 medical treatment; or (b) (~~for the purpose of commitment to an~~
13 ~~inpatient treatment facility in the case of an offender convicted of~~
14 ~~the crime of rape in the first degree; or (c)~~) for an extraordinary
15 medical placement when authorized under RCW 9.94A.150(4).

16 **Sec. 2.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and
17 2000 c 66 s 2 are each reenacted and amended to read as follows:

18 TABLE 2

19 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

20 XVI	Aggravated Murder 1 (RCW 10.95.020)
21	<u>Rape 1 (RCW 9A.44.040)</u>
22 XV	Homicide by abuse (RCW 9A.32.055)
23	Malicious explosion 1 (RCW 70.74.280(1))
24	Murder 1 (RCW 9A.32.030)
25 XIV	Murder 2 (RCW 9A.32.050)
26 XIII	Malicious explosion 2 (RCW 70.74.280(2))
27	Malicious placement of an explosive 1 (RCW
28	70.74.270(1))
29 XII	Assault 1 (RCW 9A.36.011)
30	Assault of a Child 1 (RCW 9A.36.120)
31	Malicious placement of an imitation device
32	1 (RCW 70.74.272(1)(a))
33	(Rape 1 (RCW 9A.44.040))
34	Rape of a Child 1 (RCW 9A.44.073)

1 XI Manslaughter 1 (RCW 9A.32.060)
2 Rape 2 (RCW 9A.44.050)
3 Rape of a Child 2 (RCW 9A.44.076)
4 X Child Molestation 1 (RCW 9A.44.083)
5 Indecent Liberties (with forcible
6 compulsion) (RCW 9A.44.100(1)(a))
7 Kidnapping 1 (RCW 9A.40.020)
8 Leading Organized Crime (RCW
9 9A.82.060(1)(a))
10 Malicious explosion 3 (RCW 70.74.280(3))
11 Manufacture of methamphetamine (RCW
12 69.50.401(a)(1)(ii))
13 Over 18 and deliver heroin,
14 methamphetamine, a narcotic from
15 Schedule I or II, or flunitrazepam
16 from Schedule IV to someone under 18
17 (RCW 69.50.406)
18 IX Assault of a Child 2 (RCW 9A.36.130)
19 Controlled Substance Homicide (RCW
20 69.50.415)
21 Explosive devices prohibited (RCW
22 70.74.180)
23 Homicide by Watercraft, by being under the
24 influence of intoxicating liquor or
25 any drug (RCW 79A.60.050)
26 Inciting Criminal Profiteering (RCW
27 9A.82.060(1)(b))
28 Malicious placement of an explosive 2 (RCW
29 70.74.270(2))
30 Over 18 and deliver narcotic from Schedule
31 III, IV, or V or a nonnarcotic, except
32 flunitrazepam or methamphetamine, from
33 Schedule I-V to someone under 18 and 3
34 years junior (RCW 69.50.406)
35 Robbery 1 (RCW 9A.56.200)
36 Sexual Exploitation (RCW 9.68A.040)

1 Vehicular Homicide, by being under the
2 influence of intoxicating liquor or
3 any drug (RCW 46.61.520)

4 VIII Arson 1 (RCW 9A.48.020)
5 Deliver or possess with intent to deliver
6 methamphetamine (RCW
7 69.50.401(a)(1)(ii))
8 Hit and Run--Death (RCW 46.52.020(4)(a))
9 Homicide by Watercraft, by the operation of
10 any vessel in a reckless manner (RCW
11 79A.60.050)

12 Manslaughter 2 (RCW 9A.32.070)
13 Manufacture, deliver, or possess with
14 intent to deliver amphetamine (RCW
15 69.50.401(a)(1)(ii))
16 Manufacture, deliver, or possess with
17 intent to deliver heroin or cocaine
18 (RCW 69.50.401(a)(1)(i))
19 Possession of Ephedrine, Pseudoephedrine,
20 or Anhydrous Ammonia with intent to
21 manufacture methamphetamine (RCW
22 69.50.440)

23 Promoting Prostitution 1 (RCW 9A.88.070)
24 Selling for profit (controlled or
25 counterfeit) any controlled substance
26 (RCW 69.50.410)

27 Theft of Anhydrous Ammonia (RCW 69.55.010)
28 Vehicular Homicide, by the operation of any
29 vehicle in a reckless manner (RCW
30 46.61.520)

31 VII Burglary 1 (RCW 9A.52.020)
32 Child Molestation 2 (RCW 9A.44.086)
33 Dealing in depictions of minor engaged in
34 sexually explicit conduct (RCW
35 9.68A.050)

36 Drive-by Shooting (RCW 9A.36.045)
37 Homicide by Watercraft, by disregard for
38 the safety of others (RCW 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1) (b) and
3 (c))
4 Introducing Contraband 1 (RCW 9A.76.140)
5 Involving a minor in drug dealing (RCW
6 69.50.401(f))
7 Malicious placement of an explosive 3 (RCW
8 70.74.270(3))
9 Sending, bringing into state depictions of
10 minor engaged in sexually explicit
11 conduct (RCW 9.68A.060)
12 Unlawful Possession of a Firearm in the
13 first degree (RCW 9.41.040(1)(a))
14 Use of a Machine Gun in Commission of a
15 Felony (RCW 9.41.225)
16 Vehicular Homicide, by disregard for the
17 safety of others (RCW 46.61.520)

18 VI Bail Jumping with Murder 1 (RCW
19 9A.76.170(2)(a))
20 Bribery (RCW 9A.68.010)
21 Incest 1 (RCW 9A.64.020(1))
22 Intimidating a Judge (RCW 9A.72.160)
23 Intimidating a Juror/Witness (RCW
24 9A.72.110, 9A.72.130)
25 Malicious placement of an imitation device
26 2 (RCW 70.74.272(1)(b))
27 Manufacture, deliver, or possess with
28 intent to deliver narcotics from
29 Schedule I or II (except heroin or
30 cocaine) or flunitrazepam from
31 Schedule IV (RCW 69.50.401(a)(1)(i))
32 Rape of a Child 3 (RCW 9A.44.079)
33 Theft of a Firearm (RCW 9A.56.300)
34 Unlawful Storage of Anhydrous Ammonia (RCW
35 69.55.020)

36 V Abandonment of dependent person 1 (RCW
37 9A.42.060)

1 Advancing money or property for
2 extortionate extension of credit (RCW
3 9A.82.030)
4 Bail Jumping with class A Felony (RCW
5 9A.76.170(2)(b))
6 Child Molestation 3 (RCW 9A.44.089)
7 Criminal Mistreatment 1 (RCW 9A.42.020)
8 Custodial Sexual Misconduct 1 (RCW
9 9A.44.160)
10 Delivery of imitation controlled substance
11 by person eighteen or over to person
12 under eighteen (RCW 69.52.030(2))
13 Domestic Violence Court Order Violation
14 (RCW 10.99.040, 10.99.050, 26.09.300,
15 26.10.220, 26.26.138, 26.50.110,
16 26.52.070, or 74.34.145)
17 Extortion 1 (RCW 9A.56.120)
18 Extortionate Extension of Credit (RCW
19 9A.82.020)
20 Extortionate Means to Collect Extensions of
21 Credit (RCW 9A.82.040)
22 Incest 2 (RCW 9A.64.020(2))
23 Kidnapping 2 (RCW 9A.40.030)
24 Perjury 1 (RCW 9A.72.020)
25 Persistent prison misbehavior (RCW
26 9.94.070)
27 Possession of a Stolen Firearm (RCW
28 9A.56.310)
29 Rape 3 (RCW 9A.44.060)
30 Rendering Criminal Assistance 1 (RCW
31 9A.76.070)
32 Sexual Misconduct with a Minor 1 (RCW
33 9A.44.093)
34 Sexually Violating Human Remains (RCW
35 9A.44.105)
36 Stalking (RCW 9A.46.110)
37 IV Arson 2 (RCW 9A.48.030)
38 Assault 2 (RCW 9A.36.021)
39 Assault by Watercraft (RCW 79A.60.060)

1 Bribing a Witness/Bribe Received by Witness
2 (RCW 9A.72.090, 9A.72.100)
3 Commercial Bribery (RCW 9A.68.060)
4 Counterfeiting (RCW 9.16.035(4))
5 Escape 1 (RCW 9A.76.110)
6 Hit and Run--Injury (RCW 46.52.020(4)(b))
7 Hit and Run with Vessel--Injury Accident
8 (RCW 79A.60.200(3))
9 Indecent Exposure to Person Under Age
10 Fourteen (subsequent sex offense) (RCW
11 9A.88.010)
12 Influencing Outcome of Sporting Event (RCW
13 9A.82.070)
14 Knowingly Trafficking in Stolen Property
15 (RCW 9A.82.050(2))
16 Malicious Harassment (RCW 9A.36.080)
17 Manufacture, deliver, or possess with
18 intent to deliver narcotics from
19 Schedule III, IV, or V or nonnarcotics
20 from Schedule I-V (except marijuana,
21 amphetamine, methamphetamines, or
22 flunitrazepam) (RCW 69.50.401(a)(1)
23 (iii) through (v))
24 Residential Burglary (RCW 9A.52.025)
25 Robbery 2 (RCW 9A.56.210)
26 Theft of Livestock 1 (RCW 9A.56.080)
27 Threats to Bomb (RCW 9.61.160)
28 Use of Proceeds of Criminal Profiteering
29 (RCW 9A.82.080 (1) and (2))
30 Vehicular Assault (RCW 46.61.522)
31 Willful Failure to Return from Furlough
32 (RCW 72.66.060)

33 III Abandonment of dependent person 2 (RCW
34 9A.42.070)
35 Assault 3 (RCW 9A.36.031)
36 Assault of a Child 3 (RCW 9A.36.140)
37 Bail Jumping with class B or C Felony (RCW
38 9A.76.170(2)(c))
39 Burglary 2 (RCW 9A.52.030)

1 Communication with a Minor for Immoral
2 Purposes (RCW 9.68A.090)
3 Criminal Gang Intimidation (RCW 9A.46.120)
4 Criminal Mistreatment 2 (RCW 9A.42.030)
5 Custodial Assault (RCW 9A.36.100)
6 Delivery of a material in lieu of a
7 controlled substance (RCW
8 69.50.401(c))
9 Escape 2 (RCW 9A.76.120)
10 Extortion 2 (RCW 9A.56.130)
11 Harassment (RCW 9A.46.020)
12 Intimidating a Public Servant (RCW
13 9A.76.180)
14 Introducing Contraband 2 (RCW 9A.76.150)
15 Maintaining a Dwelling or Place for
16 Controlled Substances (RCW
17 69.50.402(a)(6))
18 Malicious Injury to Railroad Property (RCW
19 81.60.070)
20 Manufacture, deliver, or possess with
21 intent to deliver marijuana (RCW
22 69.50.401(a)(1)(iii))
23 Manufacture, distribute, or possess with
24 intent to distribute an imitation
25 controlled substance (RCW
26 69.52.030(1))
27 Patronizing a Juvenile Prostitute (RCW
28 9.68A.100)
29 Perjury 2 (RCW 9A.72.030)
30 Possession of Incendiary Device (RCW
31 9.40.120)
32 Possession of Machine Gun or Short-Barreled
33 Shotgun or Rifle (RCW 9.41.190)
34 Promoting Prostitution 2 (RCW 9A.88.080)
35 Recklessly Trafficking in Stolen Property
36 (RCW 9A.82.050(1))
37 Securities Act violation (RCW 21.20.400)
38 Tampering with a Witness (RCW 9A.72.120)

1 Telephone Harassment (subsequent conviction
2 or threat of death) (RCW 9.61.230)
3 Theft of Livestock 2 (RCW 9A.56.080)
4 Unlawful Imprisonment (RCW 9A.40.040)
5 Unlawful possession of firearm in the
6 second degree (RCW 9.41.040(1)(b))
7 Unlawful Use of Building for Drug Purposes
8 (RCW 69.53.010)
9 Willful Failure to Return from Work Release
10 (RCW 72.65.070)

11 II Computer Trespass 1 (RCW 9A.52.110)
12 Counterfeiting (RCW 9.16.035(3))
13 Create, deliver, or possess a counterfeit
14 controlled substance (RCW
15 69.50.401(b))
16 Escape from Community Custody (RCW
17 72.09.310)
18 Health Care False Claims (RCW 48.80.030)
19 Malicious Mischief 1 (RCW 9A.48.070)
20 Possession of controlled substance that is
21 either heroin or narcotics from
22 Schedule I or II or flunitrazepam from
23 Schedule IV (RCW 69.50.401(d))
24 Possession of phencyclidine (PCP) (RCW
25 69.50.401(d))
26 Possession of Stolen Property 1 (RCW
27 9A.56.150)
28 Theft 1 (RCW 9A.56.030)
29 Theft of Rental, Leased, or Lease-purchased
30 Property (valued at one thousand five
31 hundred dollars or more) (RCW
32 9A.56.096(4))
33 Trafficking in Insurance Claims (RCW
34 48.30A.015)
35 Unlawful Practice of Law (RCW 2.48.180)
36 Unlicensed Practice of a Profession or
37 Business (RCW 18.130.190(7))

1 I Attempting to Elude a Pursuing Police
2 Vehicle (RCW 46.61.024)
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forged Prescription (RCW 69.41.020)
6 Forged Prescription for a Controlled
7 Substance (RCW 69.50.403)
8 Forgery (RCW 9A.60.020)
9 Malicious Mischief 2 (RCW 9A.48.080)
10 Possess Controlled Substance that is a
11 Narcotic from Schedule III, IV, or V
12 or Non-narcotic from Schedule I-V
13 (except phencyclidine or
14 flunitrazepam) (RCW 69.50.401(d))
15 Possession of Stolen Property 2 (RCW
16 9A.56.160)
17 Reckless Burning 1 (RCW 9A.48.040)
18 Taking Motor Vehicle Without Permission
19 (RCW 9A.56.070)
20 Theft 2 (RCW 9A.56.040)
21 Theft of Rental, Leased, or Lease-purchased
22 Property (valued at two hundred fifty
23 dollars or more but less than one
24 thousand five hundred dollars) (RCW
25 9A.56.096(4))
26 Unlawful Issuance of Checks or Drafts (RCW
27 9A.56.060)
28 Unlawful Use of Food Stamps (RCW 9.91.140
29 (2) and (3))
30 Vehicle Prowl 1 (RCW 9A.52.095)

31 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and takes effect
34 July 1, 2001.

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